

466 THE MADRAS HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
(AMENDMENT) BILL, 1954 (L.A. BILL NO. 27 OF 1954), AS
PASSED BY THE ASSEMBLY WITH THE AMENDMENTS
MADE BY THE COUNCIL AND NOT AGREED
TO BY THE ASSEMBLY

[Mr. Chairman] [16th August 1954]

ANNEXURE.

(i) In clause 3, *after* sub-section (3) of new section 21, *insert* the following as sub-section (4) :—

“(4) Nothing in this section shall be deemed to authorize any person, who is not a Hindu to enter the premises or place referred to in sub-section (1) or any part thereof.”

(ii) In clause 10 *for* the brackets, letter and word “(f) waste”, *substitute* the following :—

“(f) persistent and wilful waste”.”

The motion was carried.

(3) THE BHAVANISAGAR TOWNSHIP BILL, 1954 (L.A. BILL No. 28 OF 1954).

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Mr. Chairman, Sir, I move—

‘ *That the Bhavanisagar Township Bill* * 1954 (L.A. Bill No. 28 of 1954), *as passed by the Assembly, be taken into consideration.*’

Sir, the House is probably aware that the Lower Bhavani Project in the Coimbatore district is nearing completion. The project estimates are expected to be closed by February 1955. For the execution of this project, a large number of staff had to be employed and they had to be stationed at Bhavanisagar, and many buildings were constructed for the purpose. A colony thus sprang up at Bhavanisagar Headworks in course of time. The colony consists almost entirely of departmental staff, job workers and labourers employed on the execution of the Lower Bhavani Project. The sanitation, health, water-supply, housing, lighting and roads in the colony have been provided by the Public Works Department and the administration of the colony is now in the hands of the Executive Engineer, Lower Bhavani Project Headworks.

“ The question of utilizing the buildings and quarters that would become surplus to the requirements of the Public Works Department, when the project is completed, is separately engaging the attention of the Government. Whatever use the vacant buildings may be put to, there will still be a large number of people residing in the colony for whose benefit some sort of local administrative body would be necessary. The area is at present under the jurisdiction of two panchayat boards, and it will not be desirable to have the administration of the colony under such dual control. Moreover, many of the buildings are likely to be in the occupation of Government departments and Government staff and it is rather unnecessary and inappropriate that a Government colony consisting almost entirely of Government land and property should be under the administration of a panchayat or panchayats especially in the

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early stages, before permanent non-official settlers come to the place and establish themselves. Administration by trained officials is, therefore, desirable under the circumstances.

“ Section 3 (2) of the Madras Village Panchayats Act, 1950, empowers the Inspector of Municipal Councils and Local Boards by notification, to exclude from a village panchayat, any revenue village comprised therein. But in regard to any village so excluded, it is obligatory on the Inspector to take action to constitute a panchayat in accordance with section 3 (1) of that Act. There is no provision in the Village Panchayats Act, which enables the Inspector or Government to exclude any local area from the jurisdiction of a panchayat unless such excluded area is itself to be constituted into a panchayat.

“ The question of amending the Village Panchayats Act, 1950, to provide for the exclusion of such areas from the jurisdiction of existing panchayats without another panchayat being constituted for them is under consideration separately. But this proposed general legislation may take time to be passed, and it is considered that it would be preferable to have a separate Act for Bhavanisagar to establish a Township Committee there under Government aegis for administration by nominees of the Government, most of whom would be officials, on the model of the Mettur Township Committee. After the township has dealt with all the early problems and, if a number of non-officials settle in the area, the question of entrusting the administration to a non-official body may be considered.

“ Accordingly, it is proposed to undertake legislation to exclude the Bhavanisagar area from the jurisdiction of the two panchayat boards of Kuduvay and Thoppampalayam, from the area so excluded into a township and vest the administration of the township in a Committee.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954), as passed by the Assembly, be taken into consideration.’ ”

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* DR. V. K. JOHN :—“ Mr. Chairman, Sir, I welcome the constitution of Bhavanisagar into a township but I thought the Government would take the opportunity to implement article 40 of the Constitution of India which provides for the creation of local self-governing bodies. They should have constituted this township as a really self-governing unit of local administration instead of having provided for nominations, subordinate legislation and for removal of difficulties, three very objectionable provisions in the Bill. What they should have done is to constitute this township as a local self-governing body surcharged with the responsibility of promoting and establishing a Welfare State, that is, a State in which there will be no unemployment, there will be nobody without food, clothing, shelter, education, sanitary conditions of life,

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medical service, recreation or social securities such as provision for old age, for widows, for orphans, for unemployment, for sickness and others in need. This should have been constituted as a township which promoted a Welfare State within its jurisdiction. But, what do we find here? It has not been entrusted with this responsibility. It has not been constituted as a local self-governing body but as a local body to which will be applicable the existing provisions of the District Municipalities Act of 1920. I suggest, Sir, that the Government should have introduced a Bill and made a beginning with the Bhavanisagar Township as a real self-governing unit within the meaning of article 40 of the Constitution, giving it the largest powers of local administration. This, the Government have not done but, on the other hand, have provided in clause 3 for the nomination by the Government of two non-officials to the Township Committee. I am quite sure that the Hon. Minister who moved this Bill will say that the provision in the clause is only to the effect that two members shall be non-officials and it does not say that all the six members shall not be non-officials. But, we know what the Government will do. The Government will have a majority of officials on the Township Committee. Even here, I would suggest that these officials also should be elected and not nominated by the Government. The proper course which should be adopted by the Government is to leave the election of the members of the Committee in charge of the township to popular vote and not keep that power with the Government. This Government, instead of decentralizing power and authority, has always been for concentrating all authority in themselves and controlling everything.

“ Now, I say that the provision in clause 3 is objectionable. Even if they wanted Government officials to be members of the Township Committee, they should be elected. There should not be any restriction placed between a Government official and a non-official in being a Member of the Committee although I would prefer non-officials to be members of the Committee. I do not see any reason why the Government should nominate not only Government officials but also non-officials. I very seriously object to this provision.

“ Clause 4 is still more objectionable. It says the Government can legislate, that is, the Government can constitute themselves into a subordinate body for purposes of legislation. The Government can take out certain provisions of the District Municipalities Act of 1920 and make them applicable to this township by a mere notification in the *Fort St. George Gazette*. That means that the power of legislation is vested in the Government. Why should not the Government choose such of the provisions of the District Municipalities Act of 1920 and get them passed by the Assembly and the Council? Why do they want to reserve to themselves the power to legislate by notification for this township and to apply to it the various provisions of the District Municipalities Act of 1920 at their will and pleasure. I say this kind of subordinate legislation is most objectionable and the Government ought not to ask for such powers.

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“ The last provision which I want to criticize is the provision in clause 6 which provides for power to remove difficulties. From time to time, in the past few years after the Congress Government took over power, I have been noting that there is a clause in every legislative enactment providing for power to remove difficulties. This is very objectionable. What should have been done is that the Government should have taken power to make rules to carry out the object of the Act. What is the idea in having power to remove difficulties? The Government must frame the necessary rules with the approval of the Assembly and the Council. Instead of this, the Government have taken unto themselves this power and I say this is absolute nonsense. If any difficulty arises in giving effect to the provisions of the Act, the State Government may by order ‘do anything’. Why should not the Government reserve to themselves the power to make rules to carry out the purpose of the Act which is the proper provision in all enactments? This is what the Government ought to have done.

“ I submit that this Bill must be opposed first on the ground that it has not set up a really local self-governing unit as provided for in article 40 of the Constitution. The Constitution was passed in 1950 and we are now in 1954 and the Government have not made a beginning at all. Secondly, I object to it as it provides for all control being vested in the Government. The Government not only have power to appoint the Committee but also the power to apply the provisions of another statute by a mere notification, a most objectionable thing to do. Then the last clause is a meaningless one and no legislature ought to pass such a clause giving the Government power to remove difficulties and not the power to make rules to carry out the purposes of the Act. I condemn the manner in which this Bill has been brought forward.”

MR. CHAIRMAN :—“ The House will now rise and meet again at 2-30 p.m.”

(After lunch 2-30 p.m.)

* SRI K. BALASUBRAMANYA AYYAR :—“ Mr. Chairman, Sir, this Bill is introduced for the purpose of constituting a township for Bhavanisagar in the Coimbatore district. Already the Madras Village Panchayats Act, 1950, is in force in those villages which are mentioned in the Schedule. Now the Government want to constitute the villages mentioned in the schedule into a township. The first thing that Government should have done in a case like this is that they should have fixed a period of time for the Township Act to be in force. The constitution of a township is an intermediate step taken between the constitution of a panchayat and a municipality. I did expect in a Bill of this kind that a certain period of time would have been specified after which period the township would become a municipality. But the Government have not mentioned any such thing. On the other hand, the Government state that from time to time the provisions of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), or of any rules made

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thereunder or of any other enactment for the time being in force elsewhere in the State of Madras will be applied to the township. I think that procedure is wrong. They ought to have mentioned a period to limit the life of the township by which time the entire provisions of the District Municipalities Act or the provisions of the Madras Village Panchayats Act, 1950, might be allowed to operate.

“ As regards the constitution and the composition of the committee for administration of the township mentioned in clause 3 of the Bill, I wish to know why the Chairman of the Committee should also be nominated by the Government, and why should not the nominated members of the Committee be allowed to elect their own Chairman? Even the power of the nominated members of the Committee to elect their own Chairman has not been provided for in this Bill. The State Government according to sub-clause (2) of clause 3 of the Bill shall appoint one of the members of the Township Committee to be its Chairman. This is a privilege which the Executive Government should not take in their own hands. That is what I feel in this matter. Whenever Committees are appointed, they are given the power to elect their own Chairman a person in whom they have got confidence. If the Government appoint a Chairman and if afterwards differences arise between the members of the Committee and the nominated Chairman, there will be trouble. It will be better, more feasible and also conducive to the proper working of the Committee if the Chairman is allowed to be elected and not appointed by the State Government.

“ With regard to the power to remove difficulties, the Government have taken under clause 6 of the Bill wide powers. Clause 6 of the Bill states :

‘ If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion may require, by order do anything which appears to them necessary for the purpose of removing the difficulty.’

I do not understand what is meant ‘ by order do anything ’. Are they going to beat the people? Anything may become necessary! ‘ Anything ’ is not a word to be used at all in a statute. They should define something and not say ‘ anything ’. That is not good drafting. I do understand what they mean. They mean, by ‘ anything ’, ‘ whatever that is necessary for removing difficulties ’. However, one safeguard has been provided. Sub-clause (2) of clause 6 states that all notifications and orders made under this Act shall, as soon as possible after it is made, be placed on the table of the Legislative Assembly for fourteen days. After the mischief is done, they may place it before the Assembly and if the matter were to be raised during these fourteen days, the Government might say the whole thing was over and there was no need to revise the orders. My submission before the House is that this clause is so widely worded that it means very little. The provisions of this Bill require to be amended. Of course, amendments are of no use and we have fully understood and fully realized this fact. As I looked into the provisions of this Bill, I had all these things in view. But I purposely

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refrained from giving notice of any amendment. Even if Members of the Government are reasonable enough to accept any amendments we propose, still they will not accept them because they have to take them again to the other House for its approval. I appeal to the Government through you, Sir, that some of these provisions require to be amended. So far as the rules are concerned, there should be some provision by which the defects pointed out may be removed."

DR. A. LAKSHMANASWAMI MUDALIYAR :—" Mr. Chairman, Sir, this Bill may seem to be a very small measure. But I think we must take into consideration the possibilities of similar townships being created in the future and from that point of view this Bill will probably be a precedent. I myself feel that there are other places which require townships. Courtallam has been mentioned. (An hon. Member : ' A township for Courtallam has already been formed. ') Townships for certain hill stations also are required. I want to raise this point that this Bill as it has been framed should not be considered a precedent to copy, very much like what we had in connexion with the Mangalore Port Trust Act, 1953, when some of us raised many, many kinds of difficulties and we were given to understand that everything would be done at the proper time if we did not obstruct the passage of that Bill. Now, even the difficulty pointed out by the hon. Member Sri K. Balasubramanya Ayyar is a very real one. We in this Legislative Council have to express an opinion on two factors when a Bill is presented, first of all on the substance of the Bill and secondly on the form of the Bill. I consider that the form of the Bill is just as important as the substance of the Bill because this Bill will be administered not necessarily by the present Ministry but by future Ministries, not necessarily by the present Minister in charge of it but by any other Ministers who may come in his place, and if the provisions of the Bill do not go well with the intentions of the Ministry, to that extent, the Bill, I must say, leaves something very much to be desired.

" Hon. Members Sri K. Balasubramanya Ayyar and Dr. V. K. John have referred to some of the provisions of the Bill. I also feel that a time factor should have been stated or a provision should have been made so that the Government may be in a position to bring before the Legislature any fact which may, in their opinion, necessitate a modification of this township form of administration stated in the Bill. But apart from that, I think I must confess once again that so far as the phraseology of the enactment is concerned, we have been repeatedly requesting the Government to see that steps are taken so that the enactments are put in proper legal phraseology—a phraseology that will not be liable to misconstruction by anybody else. I do feel that the expression . . . the State Government may, as occasion may require, by order do anything which appears to them necessary for the purpose of removing the difficulty ' could certainly have been put in in a more elegant manner. The least thing I can say is, rather than putting it in a way which gives an impression that it is a sort of dictatorial manner of disposing of the difficulties, the Government could have said, ' The State Government may take such measures as may be deemed necessary for the

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purpose of removing the difficulties.' After all the English language is a very subtle language and even the provisions of this Bill can be rendered innocuous in the public eye if a more reasonable statement is made. This is a matter which the Legal Department of the Government ought to take note of. I do not know what exactly is the position now. I take it that every draft Bill must go not merely through the department concerned but also through the Law Department for any necessary corrections to be made both in regard to the substance of the Bill as to whether it violates the Constitution as well as in regard to the form in which the Bill should be presented. That is a point that has been repeatedly emphasized from this side of the House. I shall once again request the Hon. the Leader of the House, the Hon. Minister in charge of the Bill and the Hon. the Minister for Law—of course he is not here just now—all the three of them to see that every measure that is brought in here, is brought in such a form as may in these regards not constitute, what some of us feel, a bit of an offence to the proper wording of the legislation. The hon. Member Sri K. Balasubramania Ayyar and the hon. the Deputy Leader of the Opposition, Dr. V. K. John have referred to a point that was referred to and discussed *ad lib.* this morning. I have only this to say that I am a firm believer in the utility of the Legislative Council and the more I have gone through the proceedings of the Legislative Council during the last seven years, the more I am convinced—whether the Treasury Benches are in a position to accept our suggestion or not—that our suggestions are worth acceptance at the hands of any Government because these suggestions come from a single desire to improve and not to contradict. It is on the basis that legislation should as far as possible be perfect that these suggestions are made. The ex-Chief Minister, Sri C. Rajagopalachari once said that it would almost appear as if the Legislative Council had got more competent lawyers than what the Government had at their disposal in matters pertaining to legislation. I do not want to express an opinion on that but from the trend of discussion I am led to feel that these matters require far more consideration. Possibly a Bill like this may not even go to the Cabinet as a whole. I am not here trying to go into the secrets of the working of the Cabinet in regard to legislative measures. In the olden days—I am referring to a period of 25 or 30 years ago—it would interest hon. Members to know that every Bill, whatever its nature and whatever its significance, was always placed before the Cabinet. Our esteemed friend Sri Usman would bear me out if I am wrong. No Bill would be permitted to be moved by the Minister concerned, unless the Cabinet as a whole has approved of the Bill. I do not know if such a provision exists now in the rules of procedure. (Interruption.) Probably the meeting is there but it may be a mere paper circulation rather than a business meeting.

“ Sir, there is one other thing that I would request the Hon. Minister to consider. In Clause 2, I am glad, provision is made for the placing of all orders passed under this enactment on the table of the Legislative Assembly and the Assembly can modify those orders within fourteen days. But I should like to ask: ‘Is it so

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very unnecessary or repugnant to the Government to consider the desirability of placing those orders simultaneously on the table of the Legislative Council and the Legislative Assembly, even if the Legislative Council is not asked to pass an opinion on the orders passed by the Government? I think it is only proper, when the Government bring the Bill before both the Houses that they do bring to the notice of both the Houses, the notifications and the orders passed by Government under that legislation. It may be that the Legislative Assembly may revise the orders on every subject. I am not going to that extent at this stage. I am only suggesting that it is not at all repugnant to the Constitution or to any rules or conventions (Interruption.) Well I am glad to have that assurance. But I am just suggesting that it is very necessary in all such cases to place the notifications and orders on the table of both the Houses. The Government should not get a legislation passed which authorizes the Government to place orders and notifications passed by the Government before one limb of the Legislature alone. Those orders and notifications should be placed before the Legislative Council also. I am not pleading on the ground of prestige but I say it is necessary to place all orders and notifications passed under an Act passed by both the Houses, before both the Houses. I would therefore request the Hon. Minister in charge of the Bill and also the Hon. the Leader of the House to consider all these points. Just as the hon. Member Sri K. Balasubramania Ayyar said, unfortunately the intricacies of procedure in regard to parliamentary practice do not permit of this smooth sailing of any amendment that may be made by this House. Therefore on a matter like this I am not moving any amendment, but I must express my views very firmly in the hope that, if not on this occasion at least on future occasions, the Government will take note of the sentiments expressed in this Council."

* SRI T. PURUSHOTHAM :—" Mr. Chairman, Sir, I should like to endorse what the Hon. the Leader of the Opposition said that we should have a model Act for formation of townships in the State. If we have a general Act like the Madras State Townships Act, we can, when necessary, extend the provisions of that Act to the local areas concerned. I hope the Minister for Local Administration will take up that question soon.

" With regard to this Bill, the Hon. the Mover said that portions of Kuduvay and Thoppompalayam have been proposed to be included in this township. Under the Madras Village Panchayats Act, these revenue villages as a whole including the portions now proposed to be included in the township have been constituted into panchayats. I believe they should be excluded from the operation of the Panchayat Act by a formal notification under that Act, because on and from the appointed date under the present enactment, the provisions of the Panchayat Act cannot apply to the township area. The Government should consider this particular aspect and issue necessary notifications excluding the respective areas from the operation of the provisions of the Village Panchayats Act.

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“As regards constitution of the committee of administration of the township I agree with the hon. Member Sri Balasubramania Ayyar that in these days of democracy, democratic elective principle should be introduced though the colony consists mainly of officials. The committee may in the first instance be constituted by nomination. But, after a year or so, the elective principle should be introduced. I think that is the proper thing to do. Simply because the colony consists of officials we should not have an undemocratic body to manage the civic affairs of the locality. The Chairman alone may be appointed by the Government and the highest officer on duty in the colony may thus be appointed as the *ex-officio* Chairman. Difficulties might arise if some one else is elected. Of the six members who will constitute the committee, I suggest that one of them must be drawn from the labourers as the Hon. the Mover himself admitted that there is a large number of labourers in that colony. In this connexion I would also like to refer to the question that I raised some time back as regards the future development of this colony. In reply to my question the Hon. Minister said that no public office is sought to be shifted there and that Government are thinking of starting some technical or industrial schools there. The House, I think, will be glad to hear from the Hon. Minister what has been done in the matter so far and what is proposed to be done in the future. We would be happy to know the progress made, so that we can assess the need to scrap the Panchayat Act in that area altogether and set up an officially nominated committee as has been now proposed for the civic administration of the colony.

“Sir, I hope these points will be considered by the Government and necessary action will be taken to introduce the elective element at least next year for this area and that in framing a general Act that has been suggested for constitution of townships in future, this elective principle will be the guiding factor and not constitution of nominated bodies.”

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* SRI K. BHASHYAM :—“Sir, I propose to confine my remarks to Clause 4 of the Bill for the present. In the first place I would like to explain how this clause is vague and indefinite. We do not know what the Government propose to do. This clause says, ‘The State Government may, by notification in the *Fort St. George Gazette*, direct that any of the provisions of the Madras District Municipalities Act, 1920, or of any rules made thereunder or of any other enactment for the time being in force elsewhere in the State of Madras . . .’ What do they mean by ‘any other enactment for the time being in force elsewhere’? Does this relate to any other enactment relating to some other department, say for example, the Religious Endowments department or any other department? This is a curious provision. I can understand it, if it is put in the following manner as ‘any other enactment relating to the local boards or allied departments.’ The clause as it stands is very vague. The Government should not be entrusted with such wide powers. We do not know what the Government’s view in the matter is. This clause further states, ‘. . . shall apply to the township to such extent and subject to such modifications, additions and

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restrictions as may be specified in the notification'. After all, this is legislation. We cannot leave modifications, additions and restrictions to be carried out by the Government by notification. I do not know whether it is constitutional to do so and I am not at present questioning the legality of the same. Sir, it is said that lawyers always talk of constitutionality and legality. I am not doing so now. I only want to point out certain practical difficulties in our having such a section on the Statute Book. The Government cannot be allowed to take such wide powers which may even be unconnected with the control of the township itself. It is not safe to entrust such wide powers with anybody. This is as far as the legality of this clause is concerned."

DR. V. K. JOHN :—"What about its morality?"

* SRI K. BHASHYAM :—"That is a different matter. There are ever so many items of work, such as the collection of tax, fines, etc. We cannot pass a clause like this without knowing what exactly the powers of the Government are.

"There is another matter to which I wish to refer in this connexion. Portions of the two panchayats are separated and formed as part of the township. I am not sure whether this can be done by legislation. I am not going into the legality of such a procedure. I only wish to know whether these two panchayats have been consulted in the matter. Usually when portions of panchayats are transferred or change of jurisdiction takes place, the panchayats concerned are entitled to notice and to put forward their objections if any. Only after hearing their objections, the Government can make any changes in jurisdiction or transfer particular areas from one panchayat to another. I only wish to know whether these panchayats have been consulted. If they were not consulted, I think it is really unfair to deprive those panchayats of these portions. They will consequently lose some revenue. I would like the Government to consider this aspect of the matter also.

"As for notifications, we have made repeated representations on the floor of this House that all notifications and orders made under any Act should also be placed on the table of the Legislative Council. In Clause 6 (2) of this Bill we find that these notifications and orders made under the Act will be placed on the table of the Legislative Assembly only. Are we not part of the Legislature? Are we not entitled to express our opinion in this matter? It is really wrong not to place those notifications on the table of the Council also. When the hon. Member Sri C. Rajagopalachari was the Chief Minister, this question was raised and he promised at that time that the notifications relating to the Bill that was then under consideration would be placed on the table of the House for the information of hon. Members. I said that in all cases all notifications must be placed by the Government on the table of the House for being considered and passed by us. In a way he consented to this, but he pleaded with the Council at that time that the measure that was under consideration then and which was urgent, may be passed.

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In accordance with the promise made by the ex-Chief Minister, I expected that all notifications will be placed on the table of this House also. But I was surprised to find this Clause 6 (2). If it is an urgent matter, we can understand the Government's bringing forward a measure in the other House in the first instance. But in the case of ordinary Bills and notifications and orders relating to the same, it is better if they are introduced here in the first instance so that we may suggest suitable amendments to them wherever necessary. When these measures are passed by the Assembly in the first instance and are subsequently brought here, we find it somewhat difficult to suggest suitable and reasonable amendments to be incorporated in those measures. Our inconvenience in this matter is thus quite apparent. I would therefore like to endorse the suggestion made by the hon. the Leader of the Opposition that ordinary innocuous Bills may first be introduced in the Legislative Council."

* SRI T. M. NARAYANASWAMY PILLAI :—" Mr. Chairman, Sir, I only wish to say a few words on the point raised last by the hon. Member Sri K. Bhashyam. I too wish to refer to Clause 6 (2) which says, ' All notifications and orders made under this Act shall as soon as possible after it is made be placed on the table of the Legislative Assembly for fourteen days, and shall be subject to such modification whether by way of repeal or amendment as the Legislative Assembly may make during the session in which it is so laid '. Repeals and amendments have as much force as any section of the Act. The Government cannot vest the delegated legislative power in the Assembly alone. It seems to be illegal and unconstitutional to do so. I do not know whether legal opinion has been taken on the constitutionality of this provision. Whatever it is, I wish to draw the attention of the Government to a provision in the Constitution under the heading ' Public Service Commission Regulations '. I only refer to Article 320 (5) which states :

" All regulations made under the proviso to Clause (3) by the President or the Governor or Rajpramukh of a State shall be laid for not less than fourteen days before each House of Parliament or the House or each House of the Legislature of the State as the case may be as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as both Houses of Parliament or the House or both Houses of the Legislature of the State may make during the session in which they are so laid."

" So, the Constitution has made it clear in respect of that matter that such legislative power by way of repeal or amendment shall vest in both the Houses of Legislature where both Houses exist. I do not mean to say that Article 320 (5) applies *ipso facto* to this case. But the principle laid down in that Article is a guide to us and if we are to follow that principle, Clause 6 (2) of the present Bill under consideration seems to be illegal. When the Legislature of the State consists of two Houses, how the Government can try to get such legislation passed in one House alone passes my comprehension. Therefore, I object to Clause 6 (2) as I have very serious doubts about its legality."

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* SRI T. M. DAIVASIKHAMANY ACHARIAR :—“ Mr. Chairman, Sir, I feel inclined to say a few words on this Bill. I wish to support the Bill for the reason that the project aims at converting all the waste lands into wet lands and poramboke lands into beautiful gardens and all other developments. It also aims at the gradual formation of a big town, and eventually a municipality. I am grateful to Mr. Balasubramanya Ayyar who defined ‘ township ’ as a place which is somewhere between a municipality and a panchayat. According to the gradation in which he placed the township I think this township must be formed first. Eventually it may lead to the formation of a municipality. Some practical difficulties were expressed by the previous speakers and it was said that this Bill should not be taken as a precedent. It was also said that the panchayat board may recommend the person for the chairmanship of the township.

“ Whatever may be the method, nomination or election, I wish to point out one thing. This would be small township which cannot afford an election. If we want the committee to be elected, we shall be setting up a very bad and expensive example. It is just as well for the Government to find out a proper person who has sympathy for the aspirations of the Government and confidence of the people and make him chairman. The Government are the right authority to select such a chairman. Let the elective principle be given up for the time being and taken up on a future occasion. Sir, much was made of the Constitution in this connexion. I believe the Constitution has nothing to do with this kind of Bill. The Constitution does not say : ‘ Do not form cities ; do not improve villages or slums ’ and so on. The Constitution, on the other hand, is mainly intended for providing amenities to the people and all-round happiness. Therefore, no Constitution can be against the formation of this or any other progressive township or panchayat. I feel that this is an experimental measure. After all, this is not the solitary instance wherein the Council is asked to state its views. We have dealt with Mettur and we have dealt with the Courtallam township. The only consideration here should be, is it going to be helpful in providing requisite amenities to the people? Of course, in the case of the Courtallam township, there is the question of the floating population, besides the permanent residents of the place. In Mettur, we have a large number of labourers. It has become a big industrial centre. So, I feel that every township is going to blossom into a municipality or a great corporation in due course. What is needed at present is employment for all. We must get rid of the unemployment problem. The townships which we have created in Mettur and Courtallam are going to help to a great extent in providing an incentive for industrial pursuits. Bhavanisagar is not merely an irrigation centre. It is about to become a great industrial area. Bhavani like Mettur is going to produce all things that are necessary for the people. In that view, I feel that the township should be very soon formed with proper men and officials to formulate schemes for the starting of big factories and workshops, which will be able to provide for the

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poor people a wholesome and full meal. People who are suffering from want should not only get a full meal but must have a good resting place as well. They should live in peace and harmony. I am not content with the formation of a township alone at Bhavani-sagar. Science has to-day developed to such an extent, engineering science has especially taken such a giant stride that it can provide very decent cheap houses at modern costs not only to the industrialist but the coolies and also to the middle class people. I hope that the township will not restrict its activities to providing houses for its officials and others but produce resting houses not only for the sight-seers but also for the large floating population that visit the area.

“ Sir, with these words, I heartily support the Bill and hope that the Bill will be unanimously accepted by the House.”

(The hon. Member Sri T. G. Krishnamoorthi rose in his seat.)

MR. CHAIRMAN :—“ Order, order, we have had enough discussion on this. The Hon. the Minister for Public Works will reply now.”

* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Mr. Chairman, Sir, opening the debate on this Bill, the hon. Member Dr. John, as usual, was scathing in his criticism and as I was walking out he asked me whether I would brook all that criticism. I said that I welcomed those criticisms and that I would give him back as much as he could give me. Of course, we are all here to do our best for the people whom we seek to serve. The hon. Member Dr. John went on criticizing this Bill and said that the drafting was very poor and that the Government were taking too much power. But, this is not the first time that the hon. Member Dr. John is characterizing the drafting as poor. He had the same thing to say on a prior occasion when I was moving the Electricity Supply Undertakings Bill. I challenge the hon. Member Dr. V. K. John to prove that there was any abuse of the wide powers the Government had taken. Sir, here there is a saving clause, that is Clause 6 (2) which says :

“ All notifications and orders made under this Act shall as soon as possible after it is made be placed on the table of the Legislative Assembly for fourteen days, and shall be subject to such modification whether by way of repeal or amendment as the Legislative Assembly may make during the session in which it is so laid.”

So, there is always a check. On the previous occasion also, it was agreed that there was nothing wrong with such a clause. But I certainly give due regard and respect to the observations of the hon. Member Dr. A. Lakshmanaswami Mudaliyar who wanted that the tone of the Bill should be suitably changed. I hope he would ask the Deputy Leader of the Opposition to lessen the tone of his attack on the Bill. I, however, give this assurance to the Leader of the Opposition that the Government will hereafter bestow their full attention on this question and see that the language is improved, and the rigour of the Bill is reduced if there is any fear that the

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Government would act in an autocratic way. But there will be little response if hon. Members want us to do it in the way the hon. Member Dr. John proposes.

" There is a complaint that in respect of notifications to be placed on the table of the House, only the Assembly is mentioned and not the Council. I am not competent to consider that point. Representations should be made to the Chief Minister and the Leader of the House to remedy that defect, if it is considered a defect.

" Sir, this Township Bill is a very simple one and it differs from any other similar Bill. The hon. Member Dr. A. Lakshmanaswami Mudaliyar wants that a provision should be included here that other townships will follow this pattern. Sir, then it would not fall to my lot but to the lot of the Minister for Health to pilot such a Bill. Bhavanisagar is a Public Works Department colony and, therefore, comes under my jurisdiction. It is essentially a Government colony.

" The hon. Member Sri K. Balasubramania Ayyar, while speaking on the Bill, said that a time-limit should be set for the nominated members to function on the committee. Of course, I could not fix any specific date by which they should quit the committee. I have already stated that by the time a large number of non-officials settle down in the township, the question of entrusting the affairs of the township to a committee of non-officials will be considered. I shall consider the question of introducing the elective principle at the proper time. Sir, we are alive to the fact that the elective principle as well as the democratic principle will have to be followed in these things. But this question is a simple one designed to safeguard Government interests. Government properties are there. The Government have invested a lot of money there and many Government officials, and labourers are there. The Government do not want to keep the civic administration of the Bhavanisagar area under the Executive Engineer who is now in charge of it. Instead of the Executive Engineer, we want a committee to be in charge of the civic administration of the area. Instead of the Executive Engineer being in charge of the civic affairs, we want to constitute a township committee composed of local elements to administer the area. One hon. Member suggested that we should introduce the elective principle. As I have said before we are alive to that fact.

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p.m.

" The hon. Member Sri T. Purushotham said that there should be a general Act applicable to all townships. As I said that will not come under my purview. He has to take up that point with the Hon. Minister concerned. Of course he has given a suggestion that a representative of labour should also be on the committee. We have also thought of it. I may also say here that in the Lower House, a suggestion was made that a lady, the wife of an officer or some lady representative should be there. That will also be considered. Separate action is being taken by Government in regard to occupation of the buildings available.

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"Some objections were raised about invoking the aid of the Municipal Act and other Acts which have been characterised as vague and conferring very wide powers, by hon. Member Sri K. Bhashyam. I may draw his attention to the fact that this Bill is on the same lines as another Bill which has been passed by the two Houses and which has become an Act and which is in existence today. I mean the Mettur Township Act of 1940. (Sri K. Bhashyam: 'I raised the same objections even then.') But that Act has come into existence now. This Bill is only a copy of that Act. There is nothing new, nothing strange or anything new added here. If all the objections raised by Mr. Bhashyam then have been ruled out and the Mettur Township Bill has become an Act, then his objections to the present Bill which is a copy of the Mettur Township Act of 1940 may also not hold good. That is all I can say. I will take note of improvements and suggestions made by hon. Members in case I have to deal with another Township Bill hereafter. That is all I can say for the present. This is only a measure of exigency to arrange for the interim administration of the Bhavanisagar area. As I said in the Lower House, we will consider all aspects and try to inculcate the elective principle and I shall try to bring in a comprehensive Bill. Already representations have been made that the Mettur Township should be constituted into a municipality. Government are considering that. The only thing I can say at present is that hon. Members can expect a comprehensive Bill shortly.

"Hon. Member Sri T. M. Narayanaswami Pillai has said something about the rules that are to be placed on the table of this House. As I have already said that question should not be put to me but the hon. Member should tackle the Hon. the Leader of the House about this, to modify the drawback.

"In a way I have covered all the points raised. I do not think hon. Members will have great objections to pass this measure."

* THE HON. SRI M. BHAKTAVATSALAM :—"About the criticism that notifications and orders under this Act are to be placed only on the table of the Legislative Assembly and not on the table of the Legislative Council, I would like to point out that there has been no intention on the part of Government to ignore this House. So far as this Bill is concerned, I would give this assurance to the hon. Members of this House that notwithstanding this provision, Government will place on the table of this House all those notifications and orders that will be issued under this Act."

MR. CHAIRMAN :—"The question is—

'That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of the 1954), as passed by the Assembly, be taken into consideration.'"

The motion was carried and the Bill was taken into consideration.

Clauses 2 to 6 were put and carried.

The Schedule was put and carried.

Clause 1 and the Preamble were put and carried.

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* THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI :—“ Sir, I now move—

‘ That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954), as passed by the Assembly, be passed into law.’

“ I thank hon. Members for the very constructive criticisms they have offered on the floor of the House and I have nothing further to add to what I have already stated. If I happen to bring in another Bill of this kind I shall certainly carry out all the suggestions which have been offered by hon. Members on this occasion. With this assurance, I move that the Bill be passed into law.”

MR. CHAIRMAN :—“ Motion moved—

‘ That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954), as passed by the Assembly, be passed into law.’ ”

* SRI G. KRISHNAMOORTHY :—“ Before the Bill is passed into law, I would like to know from the Hon. Minister what is the intention behind the Government in creating this township when there are other forms of Government like municipalities, district boards and so on? Is it the intention of Government that there should not be panchayat raj? What is the object in creating the township wherein the residents are mostly Government servants? ”

* THE HON. SRI C. SUBRAMANIAM :—“ Mr. Chairman, Sir, we are now in the third reading stage. That means the House has approved the principles of the Bill and we have also finished the clause by clause consideration of the Bill. I do not think the hon. Member's question regarding the object with which this Bill has been brought forward is relevant at this stage.”

MR. CHAIRMAN :—“ I should like to tell the hon. Member, Sri G. Krishnamoorthy, that he should talk only on the general aspects of the Bill at the time of the third reading.”

SRI G. KRISHNAMOORTHY :—“ I want the Hon. Minister to reply to my question. That is all what I want.”

MR. CHAIRMAN :—“ The hon. Member can talk only on the matter contained in the Bill. I will now put the motion moved by the Hon. Minister to the vote of the House. The question is—

‘ That the Bhavanisagar Township Bill, 1954 (L.A. Bill No. 28 of 1954), as passed by the Assembly, be passed into law.’ ”

The motion was carried and the Bill was passed into law.